

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:24-CV-00640-M-BM

TARA EILEEN RICHMOND,

Plaintiff,

v.

FRANK BISIGNANO,¹

Commissioner of Social Security,

Defendant.

ORDER

This matter comes before the court on the memorandum and recommendation (the “Recommendation”) entered by Magistrate Judge Brian S. Meyers in this case on April 10, 2025 [DE 13]. In the Recommendation, Judge Meyers recommends that the court grant Defendant’s motion to dismiss [DE 8] and transfer this action to the United States District Court for the District of South Carolina. DE 13 at 1, 3. The Recommendation, along with instructions and a deadline for filing objections, was served on the parties on April 10. *See id.* at 7. No party raised an objection to the Recommendation. *See* Docket Entries dated April 10, 2025, to present.

A magistrate judge’s recommendation carries no presumptive weight. *See United States ex rel. Wheeler v. Acadia Healthcare Co., Inc.*, 127 F.4th 472, 486 (4th Cir. 2025). The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). “The Federal Magistrates Act only requires district courts to ‘make a de novo determination of

¹ Commissioner Bisignano was sworn in on May 7, 2025, and is automatically substituted as the Defendant pursuant to Rule 25(d) of the Federal Rules of Civil Procedure. *See also* 42 U.S.C. § 405(g) (“Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.”).

those portions of the report or specified proposed findings or recommendations to which objection is made.”” *Osmon v. United States*, 66 F.4th 144, 146 (4th Cir. 2023) (quoting 28 U.S.C. § 636(b)(1)). And “a party’s objection to a magistrate judge’s report [must] be specific and particularized.” *United States v. Midgette*, 478 F.3d 616, 621 (4th Cir. 2007). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, and finding no clear error, the court ADOPTS the Recommendation of Judge Meyers [DE 13] as its own. For the reasons stated therein, Defendant’s motion to dismiss [DE 8] is GRANTED and the Clerk of Court is directed to TRANSFER this action to the United States District Court for the District of South Carolina.

SO ORDERED this 3^d day of June, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE